



## **EAU CLAIRE AREA SCHOOL DISTRICT**

### **Administrative Guidance for Gender Identity Support**

Updated 11.2021

#### **I. Purpose:**

The purpose of this guidance is: 1) to foster inclusive and welcoming environments that are free from discrimination, harassment, and bullying regardless of sex, sexual orientation, gender identity or gender expression; and 2) to facilitate compliance with district policy.

For the purpose of this guidance, a transgender individual is an individual that asserts a gender identity or gender expression at school or work that is different from the gender assigned at birth. Since individual circumstances, needs, programs, facilities, and resources may differ; administrators and school staff are expected to consider the needs of the individual on a case-by-case basis.

This guidance is intended to be a resource that is compliant with district policies, local, state, and federal laws. They are not intended to anticipate every possible situation that may occur.

#### **II. The Process:**

The following guidelines should be used to address the needs of transgender, non-binary, and/or gender non-conforming students:

- a. A transgender, non-binary, and/or gender-nonconforming student is encouraged to contact a staff member at the school to address any concerns, needs, or requests. This staff member will notify and work with the principal/designee. Parents/guardians of transgender, non-binary, and/or gender non-conforming students may also initiate contact with a staff member at school.
- b. When appropriate or necessary, the principal or designee will schedule a meeting to discuss the student's needs and to develop a specific [Student Gender Support Plan](#) when appropriate to address these needs. Documentation shall include date, time, location, names, and titles of participants, as well as the following information. The plan shall address, as appropriate:



1. The name and pronouns desired by the student (generally speaking, school staff and educators should inquire which terms a student may prefer and avoid terms that make the individual uncomfortable; a good general guideline is to employ those terms which the individual uses to describe themselves,
2. Restroom and locker room use
3. Participation in athletics and extracurricular activities
4. Student transition plans, if any. Each individual transitions differently (if they choose to transition at all), and transition can include social, medical, surgical, and/or legal processes
5. Other needs or requests of the student
6. Determination of a support plan coordinator when appropriate

Some transgender, non-binary, and/or gender-nonconforming students are not “open” at home for reasons that may include safety concerns or lack of acceptance. School personnel should speak with the student first before discussing a student’s gender nonconformity or transgender status with the student’s parent/guardian.

At least once each year (or more often as reasonably requested by the student or their parents/guardians), the Support Team should review the student’s circumstances to determine whether existing arrangements related to the student’s gender identity, gender transition, or transgender status are meeting their educational needs and ensuring that the student has access and opportunity to participate in the District’s education programs and activities.

Schools maintain separate restrooms and locker rooms for male and female students (i.e. sex assigned at birth). Access should be allowed based on the *gender identity* (i.e., man, woman, trans, non-binary, etc.) expressed by the student. Any student who is uncomfortable using a shared restroom or locker room regardless of the reason, shall upon request, be provided with an alternative. This may include, for example, addition of a privacy partition or curtain, use of a nearby private restroom or office, or a separate changing schedule. However, *staff should not require a transgender or gender non-conforming student /employee to use a separate, nonintegrated space unless requested by the individual student.*

Administrators and staff should respect the right of an individual to be addressed by a name and pronoun that corresponds to their gender identity. *A court-ordered name or gender change is not required, and the student need not change their official records.*



- c. Note: If the student has an IEP or Section 504 Plan, the provisions in these plans should be taken into consideration in developing a plan for addressing transgender concerns.
- d. While medical documentation is not required, the school may request such documentation, if helpful, to develop an appropriate plan for the student.
- e. If the parties are uncertain or disagree regarding elements to be included in the plan, the principal/designee shall consult with the District Title IX Compliance Officer (Executive Director of Student Services or Executive Director of Human Resources).
- f. A copy of the final plan should be maintained in the student's cumulative file.

### **III. Media and Communication**

When questions are received from the media or community about issues related to gender identity, including District policy procedures/guidelines, school staff shall direct parents and the media to the Executive Director of Student Services.

Protecting the privacy of transgender, non-binary, and/or gender non-conforming students and employees must be a top priority for the spokesperson and all staff. All student and personnel information shall be kept strictly confidential as required by District policy and local, state, or federal privacy laws.

### **IV. Official Records**

- a. Mandatory permanent student records will include the legal/birth name and legal/birth gender. However, to the extent that the district is not legally required to use a student's legal/birth name and gender on other school records or documents, the school will use the name and gender preferred by the student. For example, Student ID cards are not legal documents, and therefore, may reflect the student's preferred name.



- b. ECASD will only make name changes in Skyward after the completion of a Gender Support Plan and with parent/guardian permission. While all efforts will be made to update the student's name in Skyward, some district mailings may continue to use the student's legal name as this is a new process/system that needs to be further developed to meet the needs of each student. Please note that following a name change in our Skyward system, the family is responsible for assisting their student as they transition to work or post-secondary education. For example, a student's transcript, FAFSA and other post-secondary forms, or certain work places may require the legal name.
- c. Families can choose to legally make a name change for their child. To obtain a legal name change in Wisconsin, an applicant must submit a petition to the court. The applicant must publish a Class 3 notice of the hearing's time and place in a newspaper at least 3 times. The publication can be waived for the applicant's safety.

To obtain a legal name change in Wisconsin, an applicant must submit a petition to the court. The applicant must publish a Class 3 notice of the hearing's time and place in a newspaper once for three consecutive weeks. In certain cases, the court may waive the publication requirement for the petitioner's safety (though, said petitioner must complete an alternative petition and may be required to appeal an initial decision).

Wisconsin Driver's License Policy & Procedures: In order to update name and/or gender on a Wisconsin ID, the applicant must first change name with the Social Security Administration, then submit (1) a passport or court order demonstrating the name change and/or (2a) an affidavit or statement from a licensed physician certifying the gender change or (2b) a court order for gender change.

## **V. Student Intramural and Interscholastic Athletics/Extracurricular Activities**

All students will be permitted to participate in any intramural sports/extracurricular activities in a manner consistent with their gender identity consistently expressed at school. Transgender students may be permitted to participate in interscholastic athletics consistent with the requirements and policies of the Wisconsin Interscholastic Athletics Association (WIAA). The Wisconsin Interscholastic Athletic Association determines its own rules for interscholastic competitions.



Pursuant to the WIAA Transgender Participation Policy, in order to initiate a request to participate in a sport or on a team which corresponds with the student's gender identity or gender expression and not the sex assigned to the student at birth, the student and parent(s) must notify the building administrator or school counselor in writing that the student is transgender and has a consistent gender identity different than the sex assigned to the student at birth listed on the student's birth certificate. The written notification must also list the WIAA sport in which the student would like to participate.

#### **VI. Dress codes**

Students shall have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the district and respective schools.

#### **VII. Student Trips and Overnight Accommodations**

When school sponsored activities require overnight accommodations, transgender students shall not be denied the right to participate. Prior to the trip/activity the staff member responsible for the school sponsored activity shall communicate overnight needs with the staff at the receiving venue to ensure appropriate accommodations are made.

#### **VIII. Training and Professional Development**

All staff will be trained and reminded annually of their duty and responsibility to prevent, identify, and respond to bullying, harassment, and discrimination.

#### **Related Eau Claire Area School District Policies**

Policy 411 – Equal Educational Opportunities

Policy 411.1 – Sexual Harassment

Policy 411.3 – Bullying

Policy 443.1 – Student Dress

Policy 443.7 – Student Code of Conduct



### **Federal Laws**

FERPA (Family Educational Rights and Privacy Act) – A Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

### **Other References**

Wausau School District

Madison School District

Transgender Law Center (TLC)

Gender Spectrum

National Education Association (NEA)

American Civil Liberties Union (ACLU)

Human Rights Campaign Foundation